

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DARIAN DEROSA,

Plaintiff,

Case No.: 2:16-cv-01472-LDW-SIL

vs.

CAC FINANCIAL CORP.,

Defendant.

NOTICE OF MOTION

PLEASE TAKE NOTICE that the Plaintiff DARIAN DEROSA (“Plaintiff”), will move before the Honorable Leonard D. Wexler, United States District Judge, United States District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York, 11722, on a date and time to be designated by the Court, and shall then there present the Plaintiff’s Motion for Summary Judgment pursuant Rule 56 of the Federal Rules of Civil Procedure. In support of this motion, Plaintiff relies upon the contemporaneously filed Memorandum of Law in Support of Plaintiff’s Cross-Motion and in Opposition to Defendant’s Motion; the Plaintiff’s Rule 56.1 Statement of Material Facts; Plaintiff’s Rule 56.1(b) Response to Defendant’s Statement of Material Facts; the Declaration of David M. Barshay and all exhibits attached thereto; the Declaration of Darian Derosa and exhibits attached thereto.

Dated: Garden City, New York
December 30, 2016

BARSHAY SANDERS, PLLC

By: /s/ David M. Barshay
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Our File No.: 109917

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2016, Plaintiff Notice of Motion, Memorandum of Law in Support of Plaintiff's Cross-Motion and in Opposition to Defendant's Motion, Plaintiff's Rule 56.1 Statement of Material Facts, Plaintiff's Rule 56.1(b) Response to Defendant's Statement of Material Facts, Declaration of David M. Barshay and all exhibits attached thereto, and the Declaration of Darian Derosa and exhibits attached thereto, were served upon the following parties and participants.

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s/ David M. Barshay
David M. Barshay, Esq.